

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DATA-COM TELECOMMUNICATIONS, INC.,

Case No.: 07 CV 3207

Plaintiff,

-against-

EMPIRE INTERNATIONAL LTD.,

Defendant.

**AFFIRMATION IN SUPPORT OF
CROSS-MOTION TO AMEND
PETITION FOR REMOVAL AND IN
OPPOSITION TO PLAINTIFF'S
MOTION FOR REMAND**

LEO V. LEYVA, an attorney duly admitted to practice law in the courts of the State of New York, makes the following statements under the penalty of perjury:

1. I am a member of the firm of Cole, Schotz, Meisel, Forman & Leonard, P.A., attorneys for the defendant Empire International Ltd. ("Empire") in the above-entitled action and, as such, I am fully familiar with all of the facts and circumstances surrounding this matter.
2. This Affirmation, together with the attached exhibits, with the Affidavits of William Minich and Donna Barringer and the accompanying Memorandum of Law are submitted in support of Empire's cross-motion to amend the petition for removal and in opposition to plaintiff's motion to remand this matter to the Supreme Court of Rockland County.
3. Your affiant respectfully refers the court to the Memorandum of Law, filed simultaneously herewith, for all factual and legal arguments made in support of the cross-motion to amend the petition for removal and in opposition to the plaintiff's motion for remand. Your affiant refers this court to this affirmation for a list of exhibits in support of the motion.

LIST OF EXHIBITS

4. Attached as Exhibit A is a true and accurate copy of Empire's Answer and Counterclaim.

5. Attached as Exhibit B is a true and accurate copy of the contract between Data-Com and Empire.

6. Attached as Exhibit C is a true and accurate Copy of Plaintiff's Verified Summons and Complaint.

7. Attached as Exhibit D is a copy of the Affidavit of service of Karen Bell, Plaintiff's Process Server.

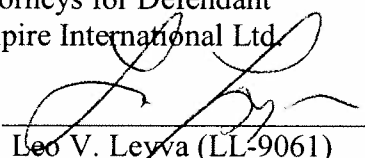
8. Attached as Exhibit E is a true and accurate copy of Empire's Notice of Petition for Removal.

9. Attached as Exhibit F is a true and accurate copy of Empire's Amended Petition for Removal.

WHEREFORE, it is respectfully requested that this Court grant defendant EMPIRE INTERNATIONAL LTD.'s motion to amend its petition for removal and deny plaintiff's motion to remand in its entirety, together with such other relief as this court may deem necessary and proper.

Dated: New York, New York
June 28, 2007

COLE, SCHOTZ, MEISEL,
FORMAN & LEONARD P.A.
Attorneys for Defendant
Empire International Ltd.

By: 
Leo V. Leyva (LL-9061)
900 Third Avenue, 16th Floor
New York, NY 10022-4728
(212) 752-8000